

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CAMPAIGN FOR SOUTHERN EQUALITY, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:15cv578-DPJ-FKB

**The MISSISSIPPI DEPARTMENT OF HUMAN
SERVICES, ET AL.**

DEFENDANTS

**RESPONSE IN OPPOSITION TO
MOTION FOR PRELIMINARY INJUNCTION**

Defendants the Mississippi Department of Human Services, Richard Berry, in his official capacity as Executive Director of the Mississippi Department of Human Services, Phil Bryant, in his official capacity as Governor of the State of Mississippi, and Jim Hood, in his official capacity as Mississippi Attorney General (“defendants”) file this Response in Opposition to Plaintiffs Donna Phillips’, Janet Smith’s, Kathryn Garner’s and Susan Hrostowski’s (“movants”) Motion for Preliminary Injunction [Docket No. 13] and state:

1. On August 28, 2015, movants filed their Motion for Preliminary Injunction contending Section 93-17-3(5) must be interpreted as unconstitutional “as applied” to them in future private adoption proceedings they may pursue in Mississippi chancery courts, and seeking a preliminary injunction prohibiting the four defendants from “enforcing” Section 93-17-3(5) in those potential future adoption proceedings. [Docket No. 13].

2. The defendants are entitled to dismissal of the plaintiffs’ claims asserted against them for the reasons set forth in their pending Motion to Dismiss, incorporated herein by reference. [Docket Nos. 15, 16 & 19]. Furthermore, as set forth in the

defendants' Memorandum of Authorities submitted contemporaneously with this Response, the movants are not entitled to their requested preliminary injunctive relief against the defendants because they have failed to prove (1) a substantial likelihood they will prevail on the merits; (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted; (3) their substantial injury outweighs the threatened harm to the defendants if enjoined; and (4) granting the preliminary injunction will not disserve the public interest.

FOR THESE REASONS, those set forth in their separate Memorandum of Authorities, and those set forth in their pending Motion to Dismiss, defendants jointly and respectfully request that the Court enter an order denying the movants' Motion for Preliminary Injunction.

THIS the 11th day of September, 2015.

Respectfully submitted,

JIM HOOD, in his official capacity
as Mississippi Attorney General

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AND

MISSISSIPPI DEPARTMENT OF HUMAN
SERVICES, RICHARD BERRY, in his official
capacity as Executive Director of the

Mississippi Department of Human Services,
and PHIL BRYANT, in his official capacity as
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed with the Clerk of Court using the Court's ECF system and thereby served on all counsel of record who have entered their appearance in this action to date.

THIS the 11th day of September, 2015.

S/Justin L. Matheny
Justin L. Matheny